

**UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NEW JERSEY**

Alexa D'Amato Barrera, Esquire - ID# AD8773

D'AMATO LAW FIRM

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Attorney for Plaintiffs, Michael A. Neals and Nunziatina Neals, h/w

**MICHAEL A. NEALS AND
NUNZIATINA NEALS, h/w,**

Plaintiffs,

-vs-

**MATTHEW C. WARNER, JOHN
DOE, MARY DOE, ABC
PARTNERSHIPS AND XYZ
CORPORATIONS,**

Defendants

CAMDEN VICINAGE

CASE NO:

CIVIL ACTION

**COMPLAINT
AND JURY DEMAND**

INTRODUCTION

Plaintiffs, Michael A. Neals and Nunziatina Neals, husband and wife, residing in Mullica Township, Atlantic County, New Jersey, bring this action against Defendant, Matthew C. Warner, for personal injuries sustained when Plaintiff, Michael A. Neals, was caused to become injured while lawfully operating a motor vehicle on November 18, 2017 in Winslow Township, Camden County, New Jersey, when his vehicle was caused to collide with Defendant's vehicle.

JURISDICTION AND VENUE

1. Plaintiffs, Michael A. Neals and Nunziatina Neals, reside at 2540 5th Avenue, Sweetwater, Mullica Township, Atlantic County, New Jersey.

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2. Defendant, Matthew C. Warner, is domiciled in Maryland, with a primary residence at 3319 Willoughby Road, Parkville, Baltimore County, Maryland.

3. The crash happened on the White Horse Pike at its intersection with Flemington Pike in Winslow Township, Camden County, New Jersey.

4. Plaintiffs, Michael A. Neals and Nunziatina Neals, claim significant personal injury and loss of consortium damages and demand resolution in excess of \$75,000.00.

5. Given the existence of complete diversity of citizenship and damages in excess of \$75,000, jurisdiction lies in the United States District Court for the District of New Jersey pursuant to 28 U.S.C. §1332(a), U.S. Constitution, Art. III, § 2 and 28 U.S.C. § 1332.

FIRST COUNT

1. On November 18, 2017, Plaintiff, Michael A. Neals, was a lawful operator of a motor vehicle driving Westbound on the White Horse Pike at its intersection with Flemington Pike in Winslow Township, Camden County, New Jersey.

2. At the aforesaid place and time Defendant, Matthew C. Warner, was operating a motor vehicle Eastbound on the White Horse Pike at its intersection with Flemington Pike.

3. At the aforesaid place and time Defendant, Matthew C. Warner, was operating a motor vehicle registered in his name for his benefit and the benefit of John Doe, Mary Doe, ABC Partnerships and XYZ Corporations.

4. There was a collision between the aforesaid motor vehicles.

5. Plaintiffs allege that an insufficient amount of time has passed within which to determine the identity of any other persons or business entities



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that may be responsible for the causation of the collision. Said persons and business entities have been named as John Doe, Mary Doe, ABC Partnerships and XYZ Corporations. Plaintiffs reserve the right to amend the Complaint when and if their identities becomes known.

6. The aforesaid collision was caused by the negligence of the Defendants in the ownership, operation and control of their motor vehicle.

7. As a result of the aforesaid negligence and collision, Plaintiff, Michael A. Neals, suffered injuries requiring medical treatment, was caused pain and suffering, was prevented from pursuing usual activities; and has permanent disabilities that will affect Plaintiff.

WHEREFORE, Plaintiffs demand judgment against Defendants for damages, interest and costs of suit.

SECOND COUNT

1. Plaintiff, Nunziatina Neals, is the spouse of Plaintiff, Michael A. Neals, and repeats the allegations of the previous Counts.

2. As a result of the aforesaid injuries sustained by Plaintiff, Michael A. Neals, Plaintiff, Nunziatina Neals, has and will suffer the loss of services and consortium and has been and may be required to provide special services and care to said spouse.

WHEREFORE, Plaintiff, Nunziatina Neals, demands judgment against Defendants for damages, interest and costs of suit.

THIRD COUNT

1. Plaintiffs repeat the allegations contained in the previous Counts.

2. Defendant, Matthew C. Warner, was in the course of his employment with John Doe, Mary Doe, ABC Partnerships and XYZ Corporations at the time of the motor vehicle collision.

3. Defendants, John Doe, Mary Doe, ABC Partnerships and XYZ Corporations, were negligent in the hiring and retention of Defendant, Matthew C. Warner, for a position that they knew or should have known that he was not qualified and/or for failing to properly supervise or direct Defendant, Matthew C. Warner.

4. Defendants failed to exercise due care in hiring Defendant, Matthew C. Warner, by making a proper inquiry into the Defendant's background before he was hired.

5. Defendants were negligent by the hiring and retention of employee Defendant, Matthew C. Warner, as he was dangerous, otherwise unfit or untrained for the task assigned.

6. The aforesaid collision was caused by the negligence and carelessness of Defendants, John Doe, Mary Doe, ABC Partnerships and XYZ Corporations, in their hiring of Defendant, Matthew C. Warner.

7. Defendants had knowledge of the existence of the dangerous or otherwise unsafe driving and improper training of Defendant, Matthew C. Warner.

8. Defendants by and through its agents, servants, employees and representatives, upon knowledge of the existence of the dangerous or otherwise unsafe driving of Defendant, Matthew C. Warner, had a duty to fire Defendant, Matthew C. Warner.

9. Defendants by and through its agents, servants, employees and representatives, upon knowledge of the existence of the dangerous or otherwise unsafe driving of Defendant, Matthew C. Warner, had a duty to warn motorists of the existence of the dangerous or otherwise unsafe driving of Defendant, Matthew C. Warner.



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10. As a result of the aforesaid negligence and collision, Plaintiff was caused to suffer severe injuries.

WHEREFORE, Plaintiffs demand judgment against Defendants for damages, interest and costs of suit.

JURY DEMAND

Plaintiffs demand a jury trial.

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By:



Alexa D'Amato Barrera, Esquire

DATED: June 3, 2019

CERTIFICATION

Alexa D'Amato Barrera, Esquire, of full age, certifies:

1. I am a member of the D'Amato Law Firm and entrusted with the preparation and trial of this case.

2. This case is not subject to any other court action or arbitration proceeding.

I certify that the foregoing statements made by me are true. I am aware that if any of the foregoing statements made by me are willfully false, I am subject to punishment.

D'AMATO LAW FIRM, P.C.

By:



Alexa D'Amato Barrera, Esquire

DATED: June 3, 2019

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